

# **Exhibit 6**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

CRYOVAC, INC.,

Plaintiff,

v.

PECHINEY PLASTIC PACKAGING INC.,

Defendant.

C.A. No.: 04-1278 (KAJ)

**CRYOVAC'S FOURTH SET OF REQUESTS (NO. 89) TO PECHINEY  
FOR PRODUCTION OF DOCUMENTS AND THINGS**

Pursuant to Rule 34 of the Federal Rules of Civil Procedure, Plaintiff/Counter-Defendant, Cryovac, Inc. ("Cryovac") requests that Defendant/Counter-Plaintiff, Pechiney Plastic Packaging, Inc. ("Pechiney") produce for inspection and copying all documents and things requested herein within thirty (30) days of service in accordance with the definitions and instructions set forth below. Production of these documents and things shall be at the office of Finnegan, Henderson, Farabow, Garrett & Dunner, L.L.P., 901 New York Avenue, NW, Washington, D.C. 20001-4413, or at another time and place as may be mutually agreed upon by counsel for the parties.


**DEFINITIONS AND INSTRUCTIONS**

Cryovac hereby incorporates by reference, as if set forth fully herein, the Definitions of Terms and Instructions set forth in Cryovac's First Set of Requests (Nos. 1-54) to Pechiney for the Production of Documents and Things, served on December 16, 2004.

**DOCUMENT REQUEST NO. 89**

All documents and things, including but not limited to notes, drafts and communications, concerning, reflecting, or discussing any opinions, including those opinions identified in document numbers PPPI 012697-012799, whether legal or otherwise, and whether written or oral, of attorneys or others, concerning the scope, patentability, validity, enforceability, and/or infringement of the '419 patent, and all documents and things relied upon in connection with any such opinion or referred to in any such opinion.

Dated: July 26, 2005

  
John W. Shaw (No. 3362)  
Karen E. Keller (No. 4489)  
YOUNG CONAWAY STARGATT &  
TAYLOR, LLP  
The Brandywine Building, 17th Floor  
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Of counsel:  
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Attorneys for Plaintiff Cryovac, Inc.

**CERTIFICATE OF SERVICE**

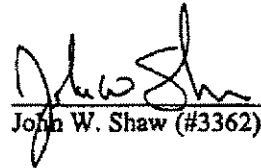
I, John W. Shaw, Esquire hereby certify that copies of the foregoing document  
were caused to be served on July 26, 2005 upon the following counsel of record:

**BY HAND DELIVERY**

N. Richard Powers, Esquire  
CONNOLLY BOVE LODGE  
& HUTZ LLP  
The Nemours Building  
1007 North Orange Street  
P.O. Box 2207  
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**BY FEDERAL EXPRESS**

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Chicago, IL 60611-7603

  
John W. Shaw (#3362)

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

CRYOVAC, INC.,

Plaintiff/Counter-Defendant,

v.

PECHINEY PLASTIC PACKAGING INC.,

Defendant/Counter-Plaintiff.

Civil Action No. 04-1278-KAJ

**NOTICE OF SERVICE**

PLEASE TAKE NOTICE that copies of Cryovac's Fourth Set of Requests (No. 89) to Pechiney for Production of Documents and Things were caused to be served on July 26, 2005 upon the following counsel of record in the manner indicated below:

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Additionally, the undersigned certifies that copies of this Notice of Service were caused to be served on July 27, 2005, upon the following counsel of record in the manner indicated:

**BY ELECTRONIC FILING & HAND DELIVERY**

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Dated: July 27, 2005

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**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

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CRYOVAC, INC.,

Plaintiff,

v.

PECHINEY PLASTIC PACKAGING INC.,

Defendant.

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C.A. No.: 04-1278 (KAJ)

**CRYOVAC'S FIFTH SET OF REQUESTS (NO. 90-99) TO PECHINEY  
FOR PRODUCTION OF DOCUMENTS AND THINGS**

Pursuant to Rule 34 of the Federal Rules of Civil Procedure, Plaintiff/Counter-Defendant, Cryovac, Inc. ("Cryovac") requests that Defendant/Counter-Plaintiff, Pechiney Plastic Packaging, Inc. ("Pechiney") produce for inspection and copying all documents and things requested herein within thirty (30) days of service in accordance with the definitions and instructions set forth below. Production of these documents and things shall be at the office of Finnegan, Henderson, Farabow, Garrett & Dunner, L.L.P., 901 New York Avenue, NW, Washington, D.C. 20001-4413, or at another time and place as may be mutually agreed upon by counsel for the parties.

**DEFINITIONS AND INSTRUCTIONS**

Cryovac hereby incorporates by reference, as if set forth fully herein, the Definitions of Terms and Instructions set forth in Cryovac's First Set of Requests (Nos. 1-54) to Pechiney for the Production of Documents and Things, served on December 16, 2004.

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**REQUEST NO. 90:**

All documents and things, including but not limited to notes, drafts and communications, reviewed or relied upon by Mr. Larry W. Evans in support of the Second Supplemental Report of Larry W. Evans, dated August 15, 2005.

**REQUEST NO. 91:**

All documents and things, including but not limited to notes, drafts and communications, referring or relating to the "telephone conversation with Mr. Kitchel (August 11, 2005)," referenced in paragraphs 4 through 8 of the Second Supplemental Report of Larry W. Evans, dated August 15, 2005.

**REQUEST NO. 92:**

All documents and things, including but not limited to notes, test results, analyses, reports, drafts and communications, referring or relating to "why the accused ClearShield™ product was chosen as the commercial product [by PPPI] in late 2003," referenced in paragraph 5 of the Second Supplemental Report of Larry W. Evans, dated August 15, 2005.

**REQUEST NO. 93:**

All documents and things, including but not limited to notes, test results, analyses, reports, drafts and communications, referring or relating to "the alternative, non-EVOH copolymer film product" referenced in paragraph 6 of the Second Supplemental Report of Larry W. Evans, dated August 15, 2005, including its (1) composition, (2) optical properties, (3) physical properties, (4) chemical properties, (5) oxygen transmission rate(s), (6) conception, (7) development, and (8) production.

**REQUEST NO. 94:**

All documents and things, including but not limited to notes, test results, analyses,



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reports, drafts and communications, referring or relating to comparisons of "the alternative, non-EVOH copolymer film product" referenced in paragraph 6 of the Second Supplemental Report of Larry W. Evans, dated August 15, 2005, to other films or packaging materials.

**REQUEST NO. 95:**

All documents and things, including but not limited to notes, test results, analyses, reports, drafts and communications, referring or relating to the use and/or testing of the "the alternative, non-EVOH copolymer film product" referenced in paragraph 6 of the Second Supplemental Report of Larry W. Evans, dated August 15, 2005, for meat packaging applications, including those referring or relating to (1) shelf life, (2) biological properties, (3) leaker rates, (4) sealing, (5) stiffness, and (6) fit-for-use criteria.

**REQUEST NO. 96:**

All documents and things, including but not limited to notes, test results, analyses, reports, drafts and communications, referring or relating to regulatory approval by the Food and Drug Administration of the "the alternative, non-EVOH copolymer film product" referenced in paragraph 6 of the Second Supplemental Report of Larry W. Evans, dated August 15, 2005.

**REQUEST NO. 97:**

All documents and things, including but not limited to notes, test results, analyses, reports, drafts and communications, referring or relating to the "introduc[tion] to National Beef" of "the alternative production (without EVOH copolymer)" referenced in paragraph 8 of the Second Supplemental Report of Larry W. Evans, dated August 15, 2005.

**REQUEST NO. 98:**

All documents and things, including but not limited to notes, test results, analyses, reports, drafts and communications, referring or relating to the "PPPI expect[ation] to change

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over to the alternative product within 30 to 60 days," referenced in paragraph 8 of the Second Supplemental Report of Larry W. Evans, dated August 15, 2005.

REQUEST NO. 99:

Fifty (50) bags representative of "the alternative product (without EVOH copolymer) [that] has been introduced to National Beef," referenced in paragraph 8 of the Second Supplemental Report of Larry W. Evans, dated August 15, 2005.

Dated: August 16, 2005



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Attorneys for Plaintiff Cryovac, Inc.

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**CERTIFICATE OF SERVICE**

I hereby certify that on August 16, 2005, a true and correct copy of CRYOVAC'S FIFTH SET OF REQUESTS (NO. 90-99) TO PECHINEY FOR PRODUCTION OF DOCUMENTS AND THINGS was served on counsel of record as set forth below:

**VIA FACSIMILE AND FEDERAL EXPRESS**

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By:  \_\_\_\_\_